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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,558	10/31/2003	Koichi Hayashi	100689.52860US	8409
23911	7590	03/30/2005		EXAMINER
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300				CHEN, SOPHIA S
			ART UNIT	PAPER NUMBER
				2852

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/697,558	HAYASHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sophia S. Chen	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 2, 3/1, and 4/1 is/are rejected.
- 7) Claim(s) 3/2, 4/2, 5, and 6 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/2/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Specification***

1. The abstract of the disclosure is objected to because of the following informalities:
  - a. The abstract should be limited to a single paragraph.
  - b. The abstract exceeds 150 words.
  - c. The abstract should not include legal phraseology, such as "means" (page 28, lines 3, 6, 10, 11, 16, 18, 19, 21, 22, and 23).

Correction is required. See MPEP § 608.01(b).

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. The disclosure is objected to because of the following informalities:
  - a. Page 11, line 14, "31" should be labeled as "30".
  - b. Page 14, line 6, ") \_ The" should be "). The".
  - c. Page 14, line 15, "4\_ " should be "4.".
  - d. Page 17, line 28, "50 ~ to 70" should be "50 to 70".
  - e. Page 18, line 10, "and7" should be "and 7".

Appropriate correction is required.

***Claim Objections***

4. Claims 1-6 are objected to because of the following informalities:
  - a. Claim 1, line 2, "supply the" should be "supply a".
  - b. Claim 1, line 4, "the latent image" should be "a latent image".
  - c. Claim 2, line 3, "the developer" should be "a developer".
  - d. Claim 2, line 4, "the latent image" should be "a latent image".
  - e. Claim 4, "the agitation/transfer side" should be "an agitation/transfer side".

Appropriate correction is required.

***Claim Rejections – 35 USC §102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi et al. (US Pat. No. 6,324,369 B1)

The patent discloses a developing apparatus 11 in an image forming apparatus, comprising an agitation/transfer means 6 for supplying a developer while agitating the same to a developing roller 2 for developing a latent image formed on a photoconductor 1 (column 4, lines 57-60 and column 5, lines 16-21), and a toner accommodating means 9 which has a toner supply opening (Figure 2, the arrow around reference numeral 8) and is mounted detachably above the agitation/transfer means 6 (Figures 2 and 4), the

toner in the toner accommodating means 9 being to be supplied to the agitation/transfer means 6 through a toner receiving opening 8 located above the agitation/transfer means 6, wherein a guide member (Figure 2, no reference numeral assigned, the vertical plates around the reference numeral 8) is provided at the toner receiving opening 8 such that the guide member extends from the toner receiving opening 8 toward the agitation/transfer means 6 near to the same to surround the pathway of the toner falling from the toner accommodating means 9.

7. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Corrigan, Jr. (US Pat. No. 5,345,298).

The patent discloses a developing apparatus in an image forming apparatus, comprising an agitation/transfer means 29 for supplying a developer while agitating the same to a developing roller 10 for developing a latent image formed on a photoconductor 13 (column 1, lines 29-47; Figure 1), and a toner accommodating means 23 which has a toner supply opening (Figures 1 and 4) and is mounted detachably above the agitation/transfer means 29 (Figures 1, 4, and 5), the toner in the toner accommodating means 23 being to be supplied to the agitation/transfer means 29 through a toner receiving opening 27 located above the agitation/transfer means 29, wherein a guide member (Figure 1; no reference numeral assigned, the part that reference numeral 23 pointed to) is provided on the toner accommodating means 23 such that, when the toner accommodating means 23 is mounted above the agitation/transfer means 29, the guide member extends from the toner receiving

opening 27 toward the agitation/transfer means 29 near to the same to surround the pathway of the toner falling from the toner accommodating means 23 (Figures 1 and 4).

***Claim Rejections – 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 3/1 and 4/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. in view of Nagaoka et al. (US Pat. No. 5,724,635)

Yamaguchi et al., as discussed above, differs from the instant claimed invention in not disclosing the guide member is formed in the shape broaden toward the agitation/transfer means, or the guide member is formed such that an agitation/transfer

side thereof is shaped to run along the rotational circumference of the agitation/transfer means.

Nagaoka et al. discloses a developing apparatus comprising a toner accommodating means 6; a toner receiving opening 60; an agitation/transfer means 2; a developing roller 5; the toner accommodating means being mounted above the agitation/transfer means; and a guide member 3 being either formed in the shape broaden toward the agitation/transfer means 2 or formed such that an agitation/transfer side thereof is shaped to run along the rotational circumference of the agitation/transfer means 2 (Figures 3, 7, and 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the shape of the guide member as taught by Nagaoka et al. to the guide member of Yamaguchi et al. so as to prevent the toner dropped from the outlet (Nagaoka et al., column7, lines 3-6).

#### ***Allowable Subject Matter***

11. Claims 3/2, 4/2, 5, and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Other Prior Art***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suda et al. (US Pat. No. 4,373,468) discloses a developing device comprising an agitation/transfer means; a developing roller; a toner receiving opening; and a guide member being provided at the toner receiving opening toward the agitation/transfer means.

Sugiura (US Pat. No. 5,034,776) discloses a developing device comprising an agitation/transfer means; a developing roller; a toner accommodating means; a toner receiving opening; and a guide member being provided at the toner receiving opening toward the agitation/transfer means.

Sakata et al. (US Pat. No. 5,142,335) discloses a developing device comprising an agitation/transfer means; a developing roller; a toner accommodating means; a toner receiving opening; and a guide member being provided at the toner receiving opening toward the agitation/transfer means.

Miyaji et al. (US Pat. No. 5,587,777) discloses a developing device comprising an agitation/transfer means; a developing roller; a toner accommodating means; and a toner receiving opening.

Suzuki et al. (US Pat. No. 5,604,572) discloses a developing device comprising an agitation/transfer means; a developing roller; a toner accommodating means; a toner receiving opening; and a guide member being provided at the toner receiving opening toward the agitation/transfer means.

Kimura (US Pat. No. 6,229,976 B1) discloses a developing device comprising an agitation/transfer means; a developing roller; a toner accommodating means; and a toner receiving opening.

Iwata et al. (US Pat. Pub. No. US 2002/0025195 A1) discloses a developing device comprising an agitation/transfer means; a developing roller; a toner accommodating means; a toner receiving opening; and a guide member being provided at the toner receiving opening toward the agitation/transfer means.

Matsumoto et al. (US Pat. Pub. No. US 2002/0025196 A1) a developing device comprising an agitation/transfer means; a developing roller; a toner accommodating means; a toner receiving opening; and a guide member being provided at the toner receiving opening toward the agitation/transfer means.

Hatori et al. (US Pat. Pub. No. US 2002/0090230 A1) discloses a developing device comprising an agitation/transfer means; a developing roller; a toner accommodating means; a toner receiving opening; and a guide member being provided at the toner receiving opening toward the agitation/transfer means.

Arimoto (US Pat. Pub. No. US 2003/0026628 A1) a developing device comprising an agitation/transfer means; a developing roller; a toner accommodating means; a toner receiving opening; and a guide member being provided at the toner receiving opening toward the agitation/transfer means.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sophia S. Chen whose telephone number is (571) 272-2133. The examiner can normally be reached on M-F (7:00-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sophia S. Chen  
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Art Unit 2852

Ssc  
March 28, 2005